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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 23252 of 2004

Between:

- 1 Pakalapati Suryanarayanaraju, s/o late Venkatapathi Raju,
 - 2 Dantuluri Karuna, w/o Gopalaraju,
 - 3 J.Tatarao, s/o Ramulu,
 - 4 Kathija Bi Bee, w/o Abdul Jabbar,
 - 5 Chintalapati Varahalaraju, s/o Kannamraju,
 - 6 Yejerla Ramadevi, w/o late Varahalaraju,
- (all r/o Peddagummaluru Village, S.Rayavaram Mandal,

Visakhapatnam District.)

... PETITIONERS

AND

- 1 The District Collector, Visakhapatnam.
- 2 The Mandal Revenue Officer, S.Rayavaram Mandal,

Visakhapatnam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in high handedly trying to evict the petitioners from the assigned lands in S.No.93 with extent of Ac.4.00 each situated at Peddagummaluri Village, S.Rayavaram Mandal, Visakhapatnam District without following due process of law and without following the orders passed by this Hon'ble Court in WP No.8844/2003 dt.25-10-2004 as arbitrary and illegal and violation of principles of natural justice.

Counsel for the Petitioner: MR.V.V.N.NARAYANA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in highhandedly trying to evict the petitioners from the assigned lands in S.No.93 in an extent of Ac.4.00 cents each situated at Peddagummaluri Village, Visakhapatnam District without following due process of law and without following the orders passed by this Court in W.P.No.8844/2003 dated 25-10-2004 as arbitrary and illegal.

2. Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing on behalf of the respondents.

3. Petitioners 1 and 3 to 6 claim that they had been issued provisional pattas and the second petitioner claims that he had been issued D – Form Patta, in an extent of Ac.4.00 cents, Ac.4.00 cents, Ac.4.00 cents, Ac.4.00 cents, Ac.4.00 cents and Ac.3.90 cents of land respectively, in S. Nos. 93 and 509/4 of Pedda Gummaluru Village, S. Rayavaram Mandal, Visakhapatnam District, respectively. It is the case of the petitioners that after issuance of provisional and D – Form Pattas in the year 1992 and 1987 respectively, they had been put in possession of the land and brought the said land under cultivation after paying the land revenue to the respondents. While so, petitioners said to have found a news item in ‘Eenadu’ Visakhapatnam District Edition stating that the lands which were allotted to them by way of provisional and D- Form Pattas, would be assigned to landless poor after evicting the persons in possession and owing to the said publication, they had filed W.P.No.8844 of 2003 before this Court, which was admitted and interim direction was granted. It is further stated that, subsequently, when the respondents filed counter affidavit, this Court disposed of the aforesaid writ petition directing the respondents that if the assignments made in favour of the petitioners had not been cancelled, they should do so only after following due process of law, like issuance of notice to the petitioners and

conducting enquiry regarding their eligibility within a period of eight weeks thereof. While things stood thus, petitioners said to have come across another news item in 'Andhra Jyothi' Visakhapatnam District Edition wherein the second respondent stated that the land of Ac.400.00 cents of land of Pedda Gummaluru Village had been taken possession under the supervision of Surveyor and Revenue Inspector and the same would be assigned to the landless poor.

4. Learned Government Pleader for Revenue, appearing on behalf of the respondents, produced a Fax Message addressed by the Mandal Revenue Officer, S. Rayavaram Mandal stating that pursuant to the orders passed by this Court in W.P.No.8844 of 2003 dated 25-10-2004, neither there is threat of dispossession of the petitioners nor any notices were served on them to evict them from the land in dispute and no enquiry in that regard had commenced and that there is also no violation of the orders passed by this Court.

5. In view of the said submission and having regard to the facts and circumstances of the case, no orders need be passed in the present writ petition.

The writ petition is therefore dismissed.

N. V. RAMANA, J

December 23, 2004

MRR / TVK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

- 1 The District Collector, Visakhapatnam.
- 2 The Mandal Revenue Officer, S.Rayavaram Mandal,

Visakhapatnam District.

3 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad

(OUT)

4 Two C.D. Copies.